

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIGITAL REG OF TEXAS, LLC,

Plaintiff,

v.

ADOBE SYSTEMS INCORPORATED, et
al.,

Defendants.

No. C 12-1971 CW

ORDER DENYING
ADOBE'S
ADMINISTRATIVE
MOTION AND
REQUIRING PARTIES
TO FILE
CONSOLIDATED
BRIEFS

(Re: Docket No.
551)

In this multi-defendant patent infringement case, Defendant Adobe Systems Incorporated filed an administrative motion for an extension of page limits for its reply brief. Adobe further pointed out that at the parties' July 25, 2012 initial case management conference, the Court set a "four-brief format for the parties to submit combined claim construction and summary judgment briefs. Docket No. 551 at 2. The parties' actual briefing for claim construction and summary judgment occurred thus: Plaintiff Digital Reg of Texas, LLC filed a single claim construction brief, Defendants each filed "a single brief per defendant" responding to Digital Reg's claim construction and raising summary judgment issues, Digital Reg filed three briefs responding to each of Defendants' briefs, and Defendants will soon file replies. Neither party followed the Court's directive at the case

management conference to follow a four-brief format.¹

Accordingly, Adobe's motion for extra pages is DENIED. The parties are further ORDERED to file a set of consolidated briefs according to the following schedule:

Defendants' joint brief consolidating all claim construction positions and summary judgment motions	30 pages	April 21, 2014
Plaintiff's consolidated response	30 pages	April 28, 2014
Defendants' consolidated reply	15 pages	May 1, 2015

The parties may not raise any new issues; the briefs should be a summary of what has already been filed. The parties should

¹ The Court ordered both Digital Reg and Defendants to file single briefs at each stage of the four-brief process. Docket No. 237 (July 25, 2012 Transcript) at 22-23:

THE COURT: Now, yours -- your opening would -- should be one brief that addresses everybody.

And then your opposition, once you see it, you might see commonalities . . . I just don't like to have -- read six briefs and have everybody say[] this technology is about this, and this case says that, and reading it six times. So there's undoubtedly commonality in some degree, even if you have different arguments or different patents you're dealing with or claims you're dealing with.

So to the extent that you could all go in together on some things, if only the statement of facts [] and the law, and then have separate sections that say Zynga has this claim and whatever.

1 take care to raise all potentially dispositive issues in the
2 consolidated briefs.

3 IT IS SO ORDERED.

4 Dated: 4/16/2014


CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California